

## ANNEXURE - 1

### **1<sup>st</sup> MOM of The Constitution Amendment Committee (CAC) - 2020 held online on 05.09.2020 at 4.00 PM**

<https://global.gotomeeting.com/join/818087149>

#### **Members Present**

Prof. V. V. Basava Rao, President  
Dr. Avijit Ghosh, Honorary Secretary  
Prof. S. V. Satyanarayana, Immediate Past President  
Prof. G.D.Yadav, Former President  
Prof. Vinay K.Srivastava, Former President  
Prof. M.V. Rao, VP-Regional Centre Affairs  
Mr. P.K.Saxena, VP-Student Centre Affairs  
Mr. D. M. Butala, Former Vice-President & Council Member  
Prof. C. Karthikeyan, Council Member  
Prof. Amitava Bandyopadhyay, Immediate Past Honorary Secretary (**Special Invitee**)

Meeting chaired by the Prof. V. V. Basava Rao

Prof P.De expressed his inability to attend the meeting and his leave of absence was granted.

After detailed deliberations, Members put forward recommendations unanimously on each agenda point as given hereunder:

<b>Sl. No</b>	<b>Agenda point based on the Existing / New Article</b>	<b>Recommendations from the Members of CAC-2020</b>
<b>1</b>	<p><b>Separate Account for the Student Chapter:</b> <b>Article 9.2</b> of bye-laws of Student Chapter - Students' Chapter shall open an account in a Nationalized Bank for transactions. Accounts in the name of Students' Chapter shall only be opened with the authorization from the Head Quarters. The Regional Centre shall maintain a separate head of account for each Students' Chapter functioning in its territory. <b>Clause 9.3</b> of bye-laws of Student Chapter - Surplus amount from any programme of a Students' Chapter shall be deposited in the concerned Students' Chapter's account.</p>	<p><b>Article 9.2</b> of bye-laws of Student Chapter - Students' Chapter shall open an account in a Nationalized Bank for transactions under the concerned Regional Centre. The concerned Regional Centre shall be responsible for submitting audited report of Students' Chapter to headquarters along with the audited report of respective Regional Centre. Accounts in the name of Students' Chapter shall only be opened by the concerned Regional Centre in consultation with the Chairman and/or Coordinator of the Students' Chapter. The Treasurer or any office bearer of the concerned Regional Centre shall be one of the signatories.</p> <p>The Regional Centre shall maintain a separate head of account for each Students' Chapter functioning in its territory.</p>

<p>2</p>	<p><b>Article 22: Termination / Suspension &amp; Revival of Membership</b></p> <p>The Council shall have the right to terminate/suspend the membership of the Institute of any Honorary Fellow, Fellow, Member, Associate Member, or Student Member who, in the opinion of the Council, have acted willfully in contravention of the Articles or any bye-laws made thereunder or shall be found guilty of such conduct as shall render him unfit to belong to the Institute provided that:</p> <p>The person concerned shall have been given an opportunity of representing his case in writing to the Council, and A resolution for termination of membership shall be placed as an agenda item and shall be passed by two-third majority of the members present at a Meeting of the Council.</p> <p>22.2 The Council shall have the right to terminate/suspend the membership of the Institute of any Honorary Fellow, Fellow, Member, Associate Member, or Student Member who, in the opinion of the Council, have acted willfully in contravention of the Articles or any bye-laws made thereunder or shall be found guilty of such conduct as shall render him unfit to belong to the Institute provided that:</p> <p>22.2.1 The person concerned shall have been given an opportunity of representing his case in writing to the Council, and</p> <p>22.2.2 A resolution for termination of membership shall be placed as an agenda item and shall be passed by two-third majority of the members present at a Meeting of the Council.</p> <p>(New Article)</p>	<p>22.2 The Council shall have the right to terminate/suspend the membership of the Institute of any Honorary Fellow, Fellow, Member, Associate Member, or Student Member who, in the opinion of the Council, have acted willfully in contravention of the Articles or any bye-laws made there under or shall be found guilty of such conduct (unethical practices causing damage to Institute’s image, financial misconduct with funds of Regional Centre or funds generated from programmes under the aegis of Regional Centre or IChE National programme by any member or office bearer of Regional Centres, an act of indiscipline, etc.) as shall render him unfit to belong to the Institute provided that:</p> <p>22.2.1 The person shall be removed forthwith from Council / Executive Committee of Regional Centre prior to attracting Articles 22.2.2 and 22.2.3, if the person is a Member in Council / Member in the Executive Committee / Office Bearer of Council / Office Bearer of Executive Committee.</p> <p>22.2.2 The person concerned shall have been given an opportunity of representing his case in writing to the Council, and</p> <p>22.2.3 A resolution for termination of membership shall be placed as an agenda item and shall be passed by two-third majority of the</p>
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	<p>22.3 A person proceeding abroad for a period exceeding one year may apply to the Council for temporary suspension of his membership and the Council may accede to such request provided he shall have in the meantime paid up all dues to the Institute, including subscription for the current year.</p> <p>22.4 A member whose membership has been temporarily suspended under clause 22.3 may have his membership restored without payment of any admission fee, provided an application is made by him to the Council within three months of his return to India.</p>	<p>members present at a Meeting of the Council. The name of the Member shall be widely circulated amongst other professional organizations and Indian National Academy of Engineering (INAE).</p> <p>22.3 Council shall contemplate the following sanction(s) for misconducts /offenses/ violation of Articles of Constitution of IChE, in case termination of Membership, is not considered:</p> <p>22.3.1 For present Council Member/ present Office Bearer of Council: Termination of Membership from the Council forthwith debarring the person for a period of 25 years from entering into the Council and EC with the Notification as mentioned in Article 22.2.3.</p> <p>22.3.2 For past Council Member/ past Office Bearer of Council: Debar the person for a period of 25 years from entering into the Council and EC with the Notification as mentioned in Article 22.2.3.</p> <p>22.3.3 For present EC Member / present Office Bearer of EC: Termination of Membership from the EC forthwith debarring for a period of 25 years from entering into the EC and Council with the Notification as mentioned in Article 22.2.3.</p> <p>22.3.4 For past EC Member / past Office Bearer of EC: Debar the person for a period of 25 years from entering into the EC and Council with the Notification as mentioned in Article 22.2.3.</p> <p>22.4 A person proceeding abroad for a period exceeding one year may apply to the Council for temporary suspension of his membership and the Council may accede to such request provided he shall have in the meantime paid up all dues to the Institute, including subscription for the current year.</p> <p>22.5 A member whose membership has been temporarily suspended under Article 22.3 may have his membership restored without payment of any admission fee, provided an application is made by him to the Council within three months of his return to India.</p>
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	<p>22.5 The council shall frame necessary rules/guidelines for revival / termination of the membership.</p> <p>(New Article)</p>	<p>22.6 The council shall frame necessary rules/guidelines for termination/suspension/revival of the membership. In case of any doubt, Council shall take action, for any type of misconduct/violation by any employee and any category of Member of IChE (including office bearer of Council and Executive Committee of Regional Center), in accordance with the provisions laid down in the Constitution of India. Amendments of Article 22 shall be applied retrospectively.</p>
<b>3</b>	<p><b>Article 25. Election and Tenure of Office Bearers &amp; Council Members:</b>  25.4 b) Editor Search Committee:  The Council will appoint a search committee for appointment / assessment of performance of the Honorary Editor, consisting of:</p> <ul style="list-style-type: none"> <li>- President</li> <li>- Immediate Past President</li> <li>- Honorary Secretary</li> <li>- Four eminent persons</li> </ul>	<p>25.4 b) Editor Search Committee:  The Council will appoint a search committee for appointment / assessment of performance of the Honorary Editor, consisting of:</p> <ul style="list-style-type: none"> <li>- President</li> <li>- Immediate Past President</li> <li>- One of the Vice Presidents</li> <li>- Honorary Secretary</li> <li>- Four eminent persons</li> </ul>
<b>4</b>	<p><b>25.13 : Termination of Council Member:</b>  If a Council Member fails to attend 50% of the Council Meetings held in a year, his membership of the Council shall be terminated. The vacancy thus created, shall be filled up by the Council through co-option from that particular zone.</p>	<p>25.13.1 If a Council Member fails to attend 4 (four) Council Meetings consecutively held in a year, his/her membership of the Council shall be terminated forthwith without assigning any reason thereof.</p> <p>25.13.2 All Council Members must attend 1<sup>st</sup> and 6<sup>th</sup> council meetings of the year unless there are unavoidable circumstances beyond control.</p>
<b>5</b>	<p><b>Article 26.0 Standing Committees :</b></p>	<p>R&amp;D committee shall be renamed to Educational, Training and Research &amp; Development Committee</p> <p>Constitution of additional committees with Conveners based on the current need at the national level are:</p> <p>a) Process Safety, Environment &amp;Energy Committee:  Convener shall be one of the Senior Council Members / Council Member from Industry;</p> <p>b) Legal Committee: Convener shall be the Honorary Secretary;</p> <p>c) Internal Audit Committee: Convener shall be the Treasurer;</p>
<b>6</b>	<p><b>Article 31 : Meeting of the Council</b></p>	<p>31.4 Any two Meetings of the Council for the year shall be conducted through virtual mode.</p>

<p>7</p>	<p><b>Article 34.3</b></p> <p>- Any number of members of a zone may be nominated to fill up the vacancies in that zone provided that they are duly proposed and seconded by members belonging to that zone itself and provided that no member nominates or seconds candidates in excess of the vacancies announced for that zone itself. Nomination from the candidate(s) desirous for contesting the election shall have to be <b>endorsed by the Executive Committee of the Regional Centre</b> in which he/she (they) served. Voting shall be on an all-India basis but the voter shall be required to restrict the number of vote or votes which he casts in favour of any one zone, to the number of vacancies in that particular zone. Not more than one vote shall be cast in favour of a single candidate by a voter.</p> <p>(New Article)</p>	<p>34.3 Any member of a zone may submit nomination to fill up the vacancies in that zone provided that the nomination is duly proposed and seconded by members belonging to that zone itself and provided that no member nominates or seconds candidates in excess of the vacancies announced for that zone itself. Nomination(s) duly proposed and seconded as stated above from the candidate(s) desirous for contesting the election shall have to be endorsed by the Chairman or Honorary Secretary of the Regional Centre in which he/she (they) served. In case of transfer of membership of the candidate to his/her present Regional Center from other Regional Centre, the nomination form shall have to be endorsed by the Chairman or Honorary Secretary of his/her present Regional Centre.</p> <p>34.3.1 The non-refundable nomination fee shall be charged Rs. 5000/- (Five thousand) for contesting the council election.</p> <p>34.3.2 Past Presidents of IChE shall not be eligible to contest for Council Election as well as Election at the Regional Centers.</p> <p>34.3.3 Voting shall be on an all-India basis (through online mode) but the voter shall be required to restrict the number of vote or votes which he casts in favour of any one zone, to the number of vacancies in that particular zone. Not more than one vote shall be cast in favour of a single candidate by a voter.</p> <p>34.3.4 The Nomination forms shall be scrutinized by the Scrutinizing Committee including the Returning Officer selected by the Council. The Honorary Secretary shall be the Returning Officer.</p> <p><b>34.3.4.1 Scrutiny of Nominations by Scrutinizing Committee including the Returning Officer</b></p> <p>Scrutiny of nomination papers should be done by the Scrutinizing Committee that includes the Returning Officer (Honorary Secretary). When Returning Officer is unable to do so owing to unavoidable circumstances, Council may like to appoint an Assistant Returning Officer, from the Member in Council from Kolkata region (preferably) to perform the duties on this behalf.</p>
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#### **34.3.4.2 Insufficient grounds for rejection of Nomination papers**

Scrutiny of nomination papers is an important quasi-judicial function. Scrutinizing Committee therefore has to discharge this duty with complete judicial detachment and in accordance with the highest judicial standards without allowing any personal or any predilections to interfere with the procedure. The Scrutinizing Committee should only be guided by the provisions of the Constitution of IChE and broader expanse of law, in case of any doubt.

- (a) Refrain from rejecting any nomination paper on the ground of any defect, which is not of a substantial character. Any mistake or error of a technical or clerical nature should, therefore, be ignored by Returning Officer.
- (b) A nomination paper should be accepted or rejected on merits, taking all the available material into account.
- (c) It is prudent to avoid rejecting nomination papers on flimsy grounds. Such unjustifiable and improper orders of rejection on technical grounds may lead to challenge against the election through election petition. It is up to the Scrutinizing Committee to interpret the provisions of the law intelligently and with common sense. The Scrutinizing Committee should not, therefore, reject any nomination paper for such technical or clerical errors or discrepancies. Such technical errors can and should be directed by the Returning Officer to be set right at the time of the presentation of the nomination paper.

#### **34.3.4.3 Grounds for Rejection of Nomination Papers**

- (a) Scrutinizing Committee must reject a nomination paper, if
  - i. the Candidate is clearly not qualified in accordance with the Constitution of IChE to be a member of the IChE, or
  - ii. the Candidate is clearly disqualified in law to be such member, or
  - iii. the Nomination paper has not been signed by the candidate and/or by the required number of his proposer(s), or
  - iv. the Nomination paper has not been endorsed by the concern Regional Centre

		<p>and signed by the Chairman or Honorary Secretary, or</p> <p>v. the length of service of the Candidate in the EC of his/her RC does not comply with the criteria for filing Nomination as stipulated in the Constitution of IChE , or</p> <p>vi. the length of Membership of the candidate does not comply with the criteria for filing Nomination as stipulated in the Constitution of IChE.</p> <p>(b) The nomination papers accepted by the Scrutinizing Committee should also be recorded. On the contrary, the Scrutinizing Committee should invariably record the reasons for rejecting a nomination paper on the spot. The report of the Scrutinizing Committee (acceptance or rejection) shall be notified to the Candidates as per schedule in the Constitution of IChE.</p> <p>34.3.5 Members drawing salary and/or pension from the IChE are not eligible to contest for Council Election as well as Election at the Regional Centers.</p> <p>34.3.6 Any Member found guilty of any kind (financial and/or violation of Rules &amp; Regulations of IChE) shall be prohibited to contest for Council Election as well as Election at the Regional Center. Even the Membership of such Member shall be terminated if it is deemed fit by the Council.</p> <p>34.3.7 All Regional Centers shall strictly adhere to the provisions laid down under Article 34.3 for the purpose of Election at the Regional Centers. In case of any valid complaint, from any Member of a Regional Center on the process of Election, addressed to the Honorary Secretary of IChE, the Election to the said Regional Center shall be conducted under the specified instructions of the Council communicated by the Honorary Secretary.</p>
8	<p><b>Article 34.8 Annual Election and voting</b> (New Article)</p>	<p>34.8 Calamities</p> <p>34.8.1 In case of any calamity and/or national disaster and/or pandemic and/or war prolonging for long period (more than 6 months), neither meeting(s) with physical presence could be held nor IChE Head Office could function. In any such aforesaid situation, Council Election as well</p>

		<p>as Election of Regional Centers shall not be held until further notice issued by the Council.</p> <p>34.8.2 In situation as specified under 34.8.1, current Council shall continue for the next year.</p> <p>34.8.3 The council members shall continue for one more year i.e. term of each council member including those whose term of 3 years is getting over and are retiring, will be extended by one more year. Similarly those who are in second year, they will get 1 more year i.e. 1+1 = 2 years. Those who are in first year will get 2+1 = 3 years.</p> <p>However, the tenure for the co-opted members will be as per the clause 25.7. Moreover, the office bearer's election shall be held as per the existing practice.</p>
9	<b>Jurisdiction for Legal matters of IChE (New Article: 40)</b>	Only an appropriate Court in Kolkata (such as Hon'ble Calcutta High Court) shall have the jurisdiction to adjudicate any dispute between the Institution and a Member of any class involving interpretation or operation of the Bye-Laws, Rules & Regulations of IChE as well as decisions of the Council.
10	<b>Any other point with the permission of Chair Article 18.3: Membership fee</b>	Any tax applicable in the membership fee shall have to be paid by the members as per the relevant Rules and Regulations of Govt. of India.

**Chairman**

**Convener**